

# The ALASKAN BOUNDARY QUESTION

IN THIS NUMBER.

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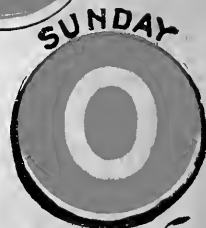
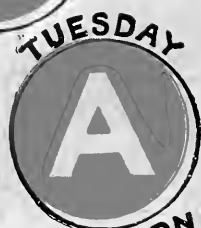
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A L A S K A N   B O U N D A R Y   Q U E S T I O N

BY

HORACE TOWNSEND  
"

FROM

THE FORTNIGHTLY REVIEW

SEPTEMBER 1899

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upon the highest, if not the soundest, principles. It is a startling, bewildering picture of gentleness and determination, of thoughtfulness and passion, of tremendous risks voluntarily and gladly incurred, of the dual acceptance of a future freighted with joy, but overladen with anxiety.

It was no wonder that friends and relations deplored their marriage. "I have no objection to the young man," was Mr. Barrett's comment, "but my daughter should have been thinking of another world." Even to themselves it was a surprise that health should for a time revive in such measure; but alike in sickness and in health, like rays of imprisoned sunshine, the guarded happiness of their home lights up, even for the casual stranger, the record of their lives, until, after fifteen years, he could write of her last moments: "Always smilingly, happily . . . after the most perfect expression of her love to me . . . she died in my arms."

But into the precincts of married life it is not our purpose to enter. The true love story we have been assured begins at the altar, but it is a love story which we are not often permitted to read. It is frequently written in a cypher, of which we do not hold the key, or too late inscribed only as an epitaph upon a tomb. In courtship there are dramatic incidents, and strange new revelations which surprise us into confidences and indiscretions; but in marriage the "intertangled roots of love" lie below ground, and happy married people are for the most part ready to breathe the spirit of Donne's well-known lines:—

"So let us melt and make no noise,  
No tear floods, nor sigh tempests move;  
'T were profanation of our joys,  
To tell the laity our love."

ELEANOR A. TOWLE.

## THE ALASKAN BOUNDARY QUESTION.

SOMEWHAT ironically significant is it that contemporaneously with the coming into existence of that well-defined wave of friendly sympathy and sentimental fraternity between this country and the United States of America, which was not the least important outcome of the Spanish American war, one of the most serious disputes between the two countries, that, namely, which concerns the definition of the Alaskan Boundary, should have reached its acute stage. It is true that for many years past this has been viewed by clear-sighted politicians as a potential cause for a disagreement of a tripartite character, seeing that the Dominion of Canada is even more deeply interested therein than the mother country. Yet only within the last two or three years have the peoples, as distinct from their diplomatists, at all concerned themselves with the matters in dispute. Nor even now is much knowledge shown by press or public on this side of the Atlantic. As an Englishman who has lived for many years in the States, and for no short time in Canada, and who has had exceptional opportunities of acquainting himself with the general views of both communities, I feel I am not arrogating too much to myself in setting forth a brief consideration of the practical aspect of the subject.

I have referred to the general ignorance as to the matter in dispute. I have seen it stated in the public prints here, at one time, that it concerned the acquisition by England of a vast gold-bearing territory; and at another, that it affected the possession of that archipelago which borders the western coast of British Columbia. As a matter of fact, so far as I am aware, no gold or other mineral deposits of any special value have so far been discovered within the disputed territory, which is merely a narrow strip bordering the coast line. It is in Alaska proper and the great Yukon district and North-West Territory, which two latter indisputably belong to Canada, that the important gold-fields lie. While as to the archipelago, though at one time Canada, I find, did put forward a claim that the coast line should be taken to the outer rim of these islands, according to the Colonial Office here that claim has been definitely abandoned, and no question remains but that the islands are all in United States territory.

It was in March, 1867, that the United States acquired, by purchase from Russia, the territory of Alaska, which, up to that time, had been of value only as a fur-producing country. There is, it is true, a story that very early in the century gold was discovered in



the Russian possessions, but that for some reason or another it was against Russia's policy to allow the exploitation of minerals in this region. The story goes that Alexander Baranof, at that time Governor of Alaska and agent of the Russian Fur Company, and one of the most striking figures in the history of the north-western coast, summoned the discoverer before him, and threatened him with death if he allowed his secret to leak out, or tried to make any use of it. This, however, is a mere legend, though in view of after events it possesses some interest.

In the beginning of the present century the conflicting interests of Great Britain, the United States, and Russia in regard to their territorial rights in the north-west portion of the North American continent had been a subject of diplomatic negotiations. So far as Russia and Great Britain were concerned these interests were defined as nearly as might be by a treaty which was made in 1825. At the time when this treaty was drawn up there was little definite knowledge concerning the territory which it affected. Peopled with scattered tribes of Indians, with here and there a Russian trading post, it might have been practically included among the *terra incognita* of the globe. No proper surveys had ever been made, and the probabilities are that the treaty was based upon maps drawn by Vancouver about the middle of the eighteenth century. It is not to be wondered at, therefore, that, owing to the lax use of geographical expressions, this treaty, when it came to be closely examined a generation or more later, was found to bristle with ambiguities. References were made to channels, the names of which have since been altered, and mountain ranges were mentioned as occupying positions where no mountain ranges exist. Only two points were positively certain, namely, that the eastern boundary of Alaska should follow the 141st degree of west longitude, and that Russian possessions should extend as far south as the southernmost point of Prince of Wales Island, or Wales Island, as it should be more correctly termed. After the Crimean War, by a treaty of commerce and navigation between the two nations, the treaty of 1825 was confirmed and declared to be in force, so that when in 1867 the United States purchased Alaska it stepped into Russia's shoes, and succeeded to all the rights and privileges defined by this treaty. The provisions of this treaty of 1825, out of which the trouble has grown, are contained in Articles III. and IV., which may well be quoted in full.

"ARTICLE III.—The line of demarcation between the Possessions of the High Contracting Parties, upon the Coast of the Continent and the Islands of America to the north-west, shall be drawn in the manner following:—Commencing from the southernmost Point of the Island called the Prince of Wales Island, which point lies in the parallel of 54 deg. 40 min., north latitude, and between th

131st and 133rd deg. of west longitude (meridian of Greenwich), the said line shall ascend to the north, along the channel called the Portland Channel, as far as the point of the Continent where it strikes the 56th degree of north latitude ; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally from the said point of intersection, the said meridian lines of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions of the Continent of America to the north west.

“ARTICLE IV.—With reference to the line of demarcation laid down in the preceding article, it is understood—First : That the Island called the Prince of Wales Island shall belong wholly to Russia. Second : That wherever the summit of the mountains, which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, shall be formed by a line parallel to the windings of the coast, which shall never exceed the difference of ten marine leagues therefrom.”

It is the last sentence which I have just quoted which is of special interest just now, for it may be said that the dispute mainly resolves itself into a distinction of the words “a line parallel to the windings of the coast.” England and Canada claim that the numerous bays and inlets which run inland shall not be considered as ocean waters, but as territorial waters, and that the coast-line therefore shall be an imaginary line drawn across the mouths of these ; while the United States claim that the coast-line follows literally the windings of the coast, reaching to the head-waters even of the longest and narrowest inlet. Taking the Lynn Canal as the most important example, forming as it does the gateway to the gold-bearing Yukon district, including the Klondyke, the boundary-line, according to the United States contention, continues to the summit of the mountain range nearest the head of the canal where are situated Dyea and Skagway, a distance of about eighteen to twenty miles inland ; according to the British claim it would be but thirty miles from the mouth of the canal, thus leaving these two important settlements within Canadian territory. There are other disputed readings of the terms of the 1825 treaty ; for instance, as to whether the Portland Channel, referred to in Article III., is what is known now as the Portland Canal, or some other arm of the sea. But to thoroughly enter into these disputed points, and to discuss each separate provision of the treaty, would occupy many pages, and would probably at the end leave the reader in a somewhat foggy and bemused state of mind. It is common pleasantry among those whose official duty has led them to study the subject in all its bearings, that only two men ever understood the treaty of 1825, and that one of these is dead and that the other has forgotten what he once knew about it. For

the purposes of this article, therefore, I shall assume that were the matter to be referred to arbitration the chances of success would be about equally balanced between the two opposing parties. I find it impossible to determine exactly when the rights of the United States to the boundary-line they assumed on taking over the country from Russia, first began to be questioned. Until the early seventies, it would appear, they looked upon the territory in dispute as their own, and that there was no one to say them nay—at all events, in no formal, serious fashion. Early in the seventies, however, gold was found in the Cassiar district, which lies in the southern part of British Columbia. There was an instant rush to these new goldfields, and considerable trade followed in its wake. The only route into the Cassiar district was by way of the Stikine River, the outlet of which clearly fell within the undisputed line of American territory, and the importance of having a recognised and certain delimitation between Alaska and British Columbia became evident.

It was in 1872 that the legislative assembly of British Columbia passed a resolution praying the Lieutenant Governor to call the attention of the Dominion Government to the necessity, in the interests of "peace, order, and good government," of taking steps to have the boundary line properly defined. Numerous requests in this direction were made to the United States through Great Britain, but though a bill was introduced in Congress to give effect to a Commission of Enquiry, nothing was done, on the ground that a more important resolution required attention, and that Congress would not vote so large a sum as was required. A suggestion was made by the American Government that for the time being it would be "quite sufficient to decide upon some particular points, and the principal of these they suggested should be the Portland Canal, the points where the boundary line crosses the rivers Skoot, Stikine, Taku Inlet and Cheelcat, Mt. St. Elias, and the points where the 141st degree of west longitude crosses the rivers Yukon and Porcupine." Nothing, however, seems to have been done in respect of this proposition, and for many years the question rested there. Meanwhile, however, the region under dispute was, so far as it was administered at all, administered by the United States Government. The few scattered settlements which sprung up were settled by Americans, and it was by Americans that mines were exploited and steamship lines of communication between the Pacific coast cities and this region established. Nor can I discover that any protests were made to Washington either by the Dominion or the Home Governments. It must be pointed out, however, that the Dominion Government did not altogether neglect this question, and annual survey parties were sent out and some negotiations entered into with the Government at

Washington, one result of this being that the 141st parallel, which, as I have explained, settled the easternmost delimitation of Alaska and the westernmost of British Columbia, was definitely laid down and settled. It is, indeed, owing to this having been done that there has never been any real dispute regarding the possession of the Yukon gold district, including the Klondyke. But the Americans were still allowed to administer the coast district in accordance with their own views. As to the inland boundary, indeed, the history of Skagway itself offers some striking evidence in this direction. Skagway, as is generally known, is situated at the head of the Lynn Canal, not many miles from Dyea. There are at present practically only two roads into the Klondyke, one by way of the Chilcoot Pass, the other by way of the White Pass. It is, indeed, the possession of these two towns that forms the chief feature of the present contest between America and Canada. Now Captain Moore, who, under Mr. William Ogilvie, discovered the White Pass, undoubtedly the better of the two routes into the Yukon, was a British subject, and as far back as 1888 he desired to pre-empt 160 acres of the land whereon the town of Skagway now stands. He applied to the Government Land Office in Victoria with this purpose in view, but was informed that the district in question was not subject to the Dominion land laws, and that application must be made to Washington. As he was a British subject this was impossible for him to do, and accordingly a pre-emption claim was put forward by an American subject, the land was taken up and occupied by the pre-emptor for several years until he was forcibly dispossessed of it by those concerned in the first rush to Klondyke in 1896, and the question as to the rightful ownership is at present, I believe, awaiting adjudication at Washington. It may, of course, be urged that the United States have merely assumed possession of this territory with the definite purpose of relying upon that possession as "nine points of the law." Still the foregoing facts seem to tend to the conclusion that not only was no strenuous protest made, but that the Government of British Columbia to a certain extent admitted the fact of an effectual American possession, although a disputed one. The Americans have naturally, under these circumstances, persistently played for delay and the continuation of the *status quo*. Practically they say to us, "Although you have from time to time put forth half-hearted protests and objections, still the fact remains that you have allowed us to administer this disputed territory as though it were our own. Our people have settled there, and it is to us that these settlers apply for the right of pre-empting land. For some twenty-five years out of the thirty which have elapsed since our purchase of Alaska, it was not worth your while to make any serious efforts towards a permanent boundary settlement. When, however, the Hinterland

began to be of value for its gold and other minerals, you began to push your claims. The question developed into one of active and practical politics, but you must remember that the situation to be dealt with is that of *to-day*, not that of *thirty years ago*."

The Canadians reply to this seems to be, and so far as I can gather, the Colonial Office at home takes up its stand on the same argument, "If you have stolen something which belongs to us, it is no excuse to say that we have left you for any number of years in unfair possession thereof. We rely upon the Treaty of 1825, which, according to our interpretation, would put us in possession of the head waters of the Lynn Canal, and thereby afford us access by sea to those valuable districts which undoubtedly belong to us. We will, therefore, hear of no compromise in the matter, but must insist upon the whole question being submitted to fair arbitration." Now on the principle of *fiat justitia ruat coelum* there is much to be said for this view of the matter. But it seems to me, as I have said, that the matter is one of practical politics, and these are sometimes incompatible with theoretical justice. In asking America to submit the whole question to arbitration, with evenly balanced chances of success or failure, we are asking her to take chances which no democratic government could afford to take; we are asking her to run the risk of having taken from her territory which, in the opinion of her seventy millions of people, has for well nigh a generation been an integral part of the United States. Into the legal intricacies of the Boundary Question but a small minority of these can be expected to enter; but south, east, and west would join together as one man to overwhelm any Government which would dare even to expose themselves to the risk of having to part with a portion, however small, of United States territory. Nor do the inhabitants of the towns which would be affected by such action speak with any uncertain voice. Those who were in Skagway a year ago will bear me out as to the contemptuous fury with which its inhabitants received the bare suggestion that their transfer to Canada was within the region of probability. They refused even to discuss it as a possible eventuality. Nor is this attitude of the United States any new thing in international discussion. The recently published proposition put forward as a basis of arbitration by the British Commissioners is admittedly based upon the rules of the Venezuelan Arbitration, and the first rule provides that adverse holding or prescription during a period of fifty years shall make good a title, and that the arbitrators may deem exclusive political administration of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription. Here, at all events, the principle of the rights of prior occupation is admitted, though whether the time should be

fifty or thirty years may not unconceivably be held to depend on circumstances.

It is only quite recently that all this desultory negotiation has been forced to a head by the discovery on Canadian territory of the valuable gold fields of the Yukon, and it was hoped the appointing of the Joint High Commission would bring about, if not a definite settlement of the whole matter, at all events a *modus vivendi* which would be satisfactory to both sides. Unfortunately, these hopes were doomed to be disappointed, and the adjournment of the Commission with nothing accomplished is fresh in all our memories. Nor is it easy to determine on whose shoulders lies the blame of this unfortunate break down. America has been blamed for her stubbornness in refusing to submit to an arbitration which should take into consideration the possession of the towns and settlements under the authority of the United States and at present under their jurisdiction ; while they have also been charged with having made no concessions at all to Canada in the direction of allowing her free access to her Yukon possessions. I am enabled to say, however, in this latter respect the Americans have not been so stiff-necked as has been made to appear. Although it was not placed formally before the Commission, it was allowed clearly to be understood by the other side, that in regard to Skagway, America was prepared to make a very liberal concession. They were ready, that is, to allow of the joint administration of Skagway, the two flags flying side by side, and to allow of the denationalisation, or internationalisation as it might otherwise be termed, of the White Pass and the Yukon Railroad, now completed to Lake Bennett, and the only railroad which gives access to the Yukon. They were even prepared to admit of the passage of troops and munitions of war over this road, thus doing away with the Canadian contention that, should a disturbance occur in the Yukon, they are at present debarred from taking efficient measures to quell it. This proposition, however, does not commend itself to the Canadians, whose main object, I think I am justified in saying, is to have a railroad route of their own from beginning to end, in their own territory, as far north as Dawson City. At one time, owing to insufficient information and ignorance of the natural obstacles in the way, they thought they could accomplish this by what was known as the Stikine route. They even went so far as to make a contract with Messrs. McKenzie and Mann to construct this road, the contractors receiving, as part of their payment, concessions and grants of territory in the Yukon, which would practically have given them the absolute and sole control of that district. The value of this to the contractors can hardly be over estimated. However, not only did the natural obstacles I have referred to lead to the abandonment of the scheme, but the Senate at Ottawa threw out the Bill which had passed

through the Lower House, affording a striking proof that there are times when an Upper House has its distinct value in legislation. It has been suggested (though I am the last to confirm it) that it was the influence of the firm of railroad contractors, to whose lot it would probably fall to construct any new line of subsidised railway, which caused the Canadian Commission to reject the tentative American proposal regarding Skagway, and to put forward the counter claim to the possession of Pyramid Harbour (which lies lower down upon the west coast of the Lynn Canal), together with a two mile wide strip of territory reaching inland, containing the Chilcat Pass, and through it easy passage through the coast ranges, and so by a long line of railroad to Fort Selkirk, which lies on the Yukon River, to the south and east of Dawson City. It is said also, though of this I have no direct evidence, that the Canadians included the right to fortify Pyramid Harbour. It is not surprising that the Americans rejected this proposal, for they entered into the discussion convinced of the impossibility of accepting any arrangement which would involve the surrender of American settlements, and though it is not so large or important as Skagway or Dyea, Pyramid Harbour is nevertheless as much an American settlement as the two latter. I am bound to point out that just as the Dominion of Canada, as a whole, has a keener interest in this dispute than has the Home Government, so the Government of British Columbia is more closely affected by any possible settlement than is the rest of the Dominion. And British Columbia is as adverse to the Pyramid Harbour scheme as the United States themselves. This is due to the fact that when finished the Pyramid Harbour and Fort Selkirk railroad would afford no access to the British Columbia gold fields on Atlin Lake, which would still be reached only by way of Skagway and the White Pass, or by Dyea and the Chilcat Pass.

But quite apart from this view of the matter, we may take it for granted that the United States will never voluntarily surrender any of their tide-water settlements, while the Canadian Government, on the other hand, are no more disposed to accept any settlement based on the internationalisation of Skagway, their argument probably being that, save as a temporary *modus vivendi*, this would be giving away their whole case to their opponents. An important factor in this whole matter is, of course, the public opinion of Canada itself, and Canadians view with quite different eyes to their English cousins their relations with the United States. They are in no hurry to concede the smallest jot or tittle of what they conceive to be their just rights for the sake of any sentimental feeling of fraternity or international friendliness. One has only to pick up at random a Canadian newspaper to see that the wave of good feeling which has affected us here and the inhabitants of the United States themselves with equal force,

has left Canadians absolutely cold. They consider, and perhaps with reason, that for many years past they have had just cause for irritation against the United States. The latter, by a policy of pin pricks, have for a generation past endeavoured to force their near neighbour into applying for annexation. There are many sore spots on Canadian memories. There are those still living who have not yet ceased to mourn the loss of their sons at the time of the Fenian Raids, when the United States allowed an armed force to cross the border, with the result that Canadian lives were lost and Canadian property to the amount of hundreds of thousands of dollars destroyed, while no compensation was subsequently given or redress made. It is not to be wondered at, then, that an extreme view of the present case is taken by Canadians in general, and through them by their diplomatic representatives. On the other hand, there is the feeling of the United States to be considered. This is of a different character. There exists in the States, save, perhaps, in some few districts bordering on the provinces of lower Canada, into which French Canadians find their way, no racial antipathy towards the inhabitants of the dominion, but there is a sentiment well nigh as strong, which those in power recognise, and one which no government dare outrage. They know that were they to propose a scheme which would be looked upon as the abandonment of American territory, they would, as Mr. G. W. Smalley so well pointed out, be accused, both by the Senate and the Press, of having betrayed American interests. It may be urged, and indeed has been, that a government which is guided by such a consideration has confessed itself unable to govern. But this seems to me a very academic view of the case to take. One can conceive instances in which even an English Government, however powerful, would refrain from taking certain action, however rightful it might seem, if it were conscious of the fact that the entire people, with no uncertain voice, would rise up in protest against it. Let us for one moment consider what would be the result if an arbitration court decided adversely to the United States on all points. It is absolutely certain that the Senate would refuse to ratify the award of the arbitrators. England would then find herself face to face with the situation that she would either have to relinquish the territory granted to her by the arbitrators, or to enforce her right by war. It must be borne in mind that to the average American the feeling regarding the retention of territory, over which the Stars and Stripes have once flown, amounts to a religion. The land under discussion, too, is contiguous to the United States, forming practically a portion thereof, and so can in no way be compared to that portion of the Venezuelan territory which we have wisely agreed to submit to arbitration. The average Englishman cares not one whit which way the Venezuelan arbitration may fall out. Each individual American would feel that the



relinquishment of Skagway or Dyea would mean a stain on the national honour and an abandonment of their fellow citizens who have settled there. This may be illogical, but nations are often illogical. Therefore, the unconditional arbitration demanded by Canada would, in my opinion, benefit neither party. The present deadlock can only be removed by a compromise involving material concessions on both sides. What, then, shall those concessions be? If the question merely affected England and the United States, it might easily be settled by concessions made in some other quarter of the globe. But, however useful these might be to the Empire as a whole, they would not be of any tangible benefit to Canada as a colony. The idea of a settlement in this manner, therefore, must be definitely abandoned. It is rather on the lines informally suggested by the United States regarding Skagway and the internationalization of the White Pass and Yukon Railway, perhaps accompanied by a substantial pecuniary compensation to Canada, that we have to look for a solution of the difficulty. Thus, the United States would not be called on to relinquish any of her settled territory, and Canada would gain what she chiefly looks for, namely, free access to her Yukon district.

HORACE TOWNSEND.

## M. BRUNETIÈRE.

IN the present unsettled, a foreigner would say chaotic, state of France, on the brink of a change which no one dares to predict, it is only natural to meet with many psychological problems. M. Brunetière is one of the most disconcerting. That he is a political as well as literary power no one denies, but few try to explain; his case is generally dismissed with the word reactionary, which explains little.

Yet how strange for a French critic not to be wholly confined to the solving of curious literary questions, such as the philosophy of Molière or the influence of Descartes on the eighteenth century. Sainte-Beuve's political ambition did not go beyond a seat in Napoleon's rather promiscuously-recruited Senate. M. Taine, M. Renan, were content to give their fellow-countrymen some advice in the time of need. Even to-day, when academicians are so eager to preside over leagues and to win in the law courts an easy crown of martyrdom, none of them exercises M. Brunetière's influence. That M. Anatole France should defend the Rights of Man on the same platform as Sebastien Faure, the anarchist, is only a freak of the whimsical Puck that has been perverting Frenchmen for over a year. That M. Lemaître should practise impressionism on a higher plane by protesting against the election of a President, or M. Coppée embrace with abundance of tears Deputy Deroulède are at most bits of amusing bye-play in the great mysterious drama. Alone M. Brunetière is at once a prince of critics and a leader of men.

An indefatigable agitator, he writes widely circulated tracts, he lectures in the Provinces, and the measures taken on those occasions by the local police show the bitter opposition with which he meets and the extent to which his opponents fear him. A few months ago, his was the task of managing a League, which secretly aimed at no less than the overthrow of the Government instituted by Gambetta and Ferry, and the advent to power of a Conservative party supported by the Army and the Roman Church.

No wonder that such a man has as many distinguished enemies as staunch admirers. It is not our intention to pronounce on his merits or demerits, much less to trace, like most of his critics, the motives—ambitious, interested or otherwise—that are supposed to have actuated him. We shall simply gather from the mass of his works his leading ideas and suggest an explanation of his success.

Let us first briefly recall his career. Born in the South of France, he came like many other young Frenchmen, when a mere boy, to the wonderful capital that at one stroke of a magic wand makes a man



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